

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte DONNA K. JOHNSON, JIM S. NAKOS,  
JEAN-JACQUES H. PSAUTE  
and BERNARD A. ROQUE, JR.

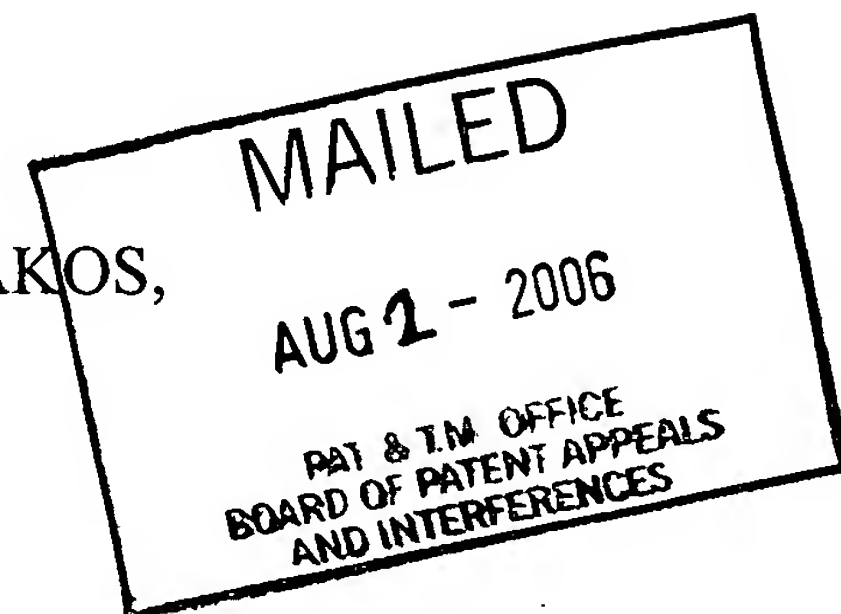
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Application No.10/064,451

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on July 19, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

On December 12, 2005, appellants filed a Supplemental Appeal Brief. The Supplemental Appeal Brief filed December 12, 2005 was incomplete, in that pages 20-30 was missing. The appellants filed a second Supplemental Appeal Brief on December 23, 2005, supplying the missing pages. A review of the file reveals that

the Summary of Claimed Subject Matter does not map the claimed invention to the independent claims as set forth in 37 CFR § 41.37(c)(1)(v) which states:

(v) *Summary of claimed subject matter.* A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner to:

- 1) hold the Supplemental Appeal Brief of December 23, 2005 defective;
- 2) request applicants to file a substitute Appeal Brief in compliance with 37 CFR § 41.37;
- 3) for the examiner to consider the substitute Appeal Brief,
- 4) if necessary, vacate the Examiner's Answer mailed February 14, 2006, and issue a revised Examiner's Answer in accordance with the new rules effective September 13, 2004;

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- 5) have a complete copy of the substitute Appeal Brief and any subsequent Examiner's Answer scanned into the record; and
- 6) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

DALE M. SHAW

Deputy Chief Appeal Administrator  
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DMS/dal

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